REMARKS

The Examiner is thanked for the performance of a thorough search and for the interview conducted on June 12, 2007. By this amendment, Claims 32, 33, 37-39, 44-46, 51-53, 58, and 59 are amended and no claims are cancelled or added. Hence, Claims 32-62 are pending in the application.

The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Each issue raised in the Final Office Action mailed March 23, 2007 is addressed hereinafter.

I. INTERVIEW SUMMARY

The Examiner is thanked for the interview conducted on June 12, 2007. In the interview, the representatives for the Applicants discussed the main differences between Claim 32 and the cited reference. No agreement was reached with respect to Claim 32.

II. ISSUES NOT RELATING TO THE CITED ART

Claims 51-57 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claim 51 is amended to recite that the computer-readable medium is "one of a volatile medium or a non-volatile medium," as agreed to in the interview. Removal of the 35 U.S.C. § 101 rejection with respect to Claims 51-57 is therefore respectfully requested.

III. ISSUES RELATING TO THE CITED ART

Claims 32-62 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2003/0172135 to Bobick et al. ("*Bobick*"). This rejection is respectfully traversed.

A. CLAIM 32

Amended Claim 32 recites:

> A method of a development and build environment for packaged software delivery in a distributed network of nodes, the method comprising the computer-implemented steps of the **development and build environment**:
> **compiling source code files into one or more executable file modules**;
> wherein each of the one or more modules contains an image for a process or a dynamically linked library (DLL);
> creating a software package that comprises the one or more modules, wherein the software package is delivered to the nodes in the distributed network;
> wherein the software package is created based on at least one of a feature, characteristic, or purpose;
> creating metadata for a first module, of the one or more modules, that includes any module information such as the first module's: binary signature, name, directory path, and characteristics;
> inserting the metadata of the first module into the software package; and
> gathering application program interface (API) dependency information for the first module, wherein the first module can provide and use at least one API, by
> (a) receiving a list of dependent modules for a given process or DLL of the first module;
> (b) **storing, in the metadata of the first module**, dependency information for the dependent modules in the list, **wherein the dependency information includes API names and versions** that the process or DLL depends on;
> (c) **collecting additional dependency information documented in one or more modules specifications that are separate from the list of dependent modules**, wherein the additional dependency information includes API names and versions that the process or DLL depends on; and
> (d) storing the additional dependency information in the metadata of the first module.

MPEP § 2131 states: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Bobick* fails to teach or suggest at least the above-bolded elements of Claim 32.

1. Bobick *fails to teach or suggest "compiling source code files into one or more executable files"*

Present Claim 32 recites that the development and build environment performs the recited steps. One of the recited steps is "compiling source code files into one or more executable file modules." In order to anticipate Claim 32, a reference must at least recite that the same development and build environment that compiles source code into executable file modules also performs the other recited steps, such as creating a software package, creating metadata for one of the modules, inserting the metadata into the module, and gathering API dependency information according to the recited steps.

The Final Office Action asserts that *Bobick* discloses "compiling source code into one or more executable file modules" of Claim 32 in paragraphs [0339], [0359], and [0367] of *Bobick*. This is incorrect. The Final Office Action contends (as was contended in the interview) that a discovery asset adapter method of *Bobick* "creates an intermediate representation 2100C of a computer system part 100F." The Final Office Action seemed to equate (1) the intermediate representation 2100C of *Bobick* with the recited "one or more executable file modules" of Claim 32 and (2) the computer system part 100F of *Bobick* with the "source code files" of Claim 32. However, one of the examples given of a computer system part 100F is a module while none of the examples suggest source code files. Nothing in the cited portions of *Bobick* can be equated to source code files. Indeed, *Bobick* is not concerned with a build and development environment that compiles source code files into executable file modules. Instead, *Bobick* is concerned with packaging assets, such as program modules, from a source environment in such a way that the assets may also be used in a target environment. Based on the foregoing, none of the cited

paragraphs of *Bobick* teach or suggest that source code files are **compiled** into executable file modules, as expressly claimed.

2. Bobick *fails to teach or suggest storing version information in the metadata of a module*

Claim 32 recites "storing, in the metadata of the first module, dependency information for the dependent modules in the list, wherein the dependency information includes API names and versions that the process or DLL depends on." The Final Office Action asserts that paragraphs [0377]-[0388] and [0396] of *Bobick* teach this feature of Claim 32. However, none of the cited paragraphs refer to version information. Instead, the cited paragraphs refer to different kinds of descriptors, such as relationship descriptors and dependency descriptors. In all, *Bobick* fails to teach or suggest that version information is stored in metadata of a particular module, much less that the version information indicates the versions of modules that a process or DLL of the particular module depend on.

3. Bobick *fails to teach or suggest "collecting additional dependency information documented in one or more modules specifications"*

The Final Office Action cited paragraph [0372] of *Bobick* for disclosing "collecting additional dependency information documented in one or more modules specifications." This is incorrect. That paragraph states:

> The EE 220 has one or more common descriptors 210B, one or more asset dependency descriptors 222B, and one or more target server dependencies 226B. In an alternative preferred embodiment, the EE 220 additionally has one or more EIS server dependencies 224B. In other preferred embodiments, additional descriptors are added as described below.

Although this paragraph mentions dependencies and "additional descriptors," there is no teaching or suggestion that such information is **collected from one or more module specifications**. Thus, according to Claim 32, there are two different sets of dependency information: (1) dependency information for dependent modules in the list received in step (a);

and (2) dependency information that is documented in one or more module specifications. *Bobick* fails to teach or suggest at least that dependency information is collected from one or more module specifications.

Based on the foregoing, *Bobick* fails to teach or suggest all features of Claim 32. Accordingly, Claim 32 is patentable over *Bobick* for at least the reasons provided above. Removal of the 35 U.S.C. § 102(e) rejection with respect to Claim 32 is therefore respectfully requested.

B. CLAIMS 37, 44, 51, 58

Claims 37, 44, 51, and 58 are independent claims that include some of the same features discussed above with respect to Claim 32. Therefore, Claims 37, 44, 51, and 58 are allowable for some of the same reasons that Claim 32 is allowable. Removal of the 35 U.S.C. § 102(e) rejection with respect to Claims 37, 44, 51, and 58 is therefore respectfully submitted.

C. DEPENDENT CLAIMS

Each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is dependent upon one of the independent claims discussed above. By dependency, each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 includes some of the same features discussed above with respect to the independent claim upon it depends. Therefore, each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is allowable for the same reasons discussed above for the claim upon which it depends. Removal of the 35 U.S.C. § 102(e) rejection with respect to Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is therefore respectfully submitted.

IV. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 21, 2007

/DanielDLedesma/
Daniel D. Ledesma
Reg. No. 57,181

2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1229
Facsimile No.: (408) 414-1076